

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA



JEFFREY BUONGIORNO,

Plaintiff,

v.

ALEJANDRO MAYORKAS, in his official capacity as the Secretary of the United States Department of Homeland Security;

MARTIN O'MALLEY in his official capacity as the Commissioner of the Social Security Administration;

JAMES CORD BYRD, in his official capacity as the Secretary of State of Florida;

ASHLEY MOODY in her official capacity as the Florida Attorney General;

MARIA MATTHEWS in her official capacity as the Director of Division of Elections (a division within the Florida Department of State);

SHEVAUN HARRIS in her official capacity as the Secretary for the Florida Department of Children and Families;

MARIA MARINO in her official capacity as the Palm Beach County, Florida Commissioner for District 1;

GREG WEISS in his official capacity as the Palm Beach County, Florida Commissioner for District 2;

WENDY SARTORY LINK, in her official capacity as Palm Beach County Supervisor of Elections;

(defendants continued on next page),

Case No. 24-cv-

COMPLAINT

1. Violation of 18 U.S. Code § 1015
(Registering Non-Citizens as Voters)
2. Violation of Section 8(a)(4), 52
U.S.C. § 20507(a)(4)
3. Conspiracy to Violate Federal Law
4. Conspiracy to Violate Florida Law
5. Negligence

(defendants list continued...)

LAURA BURKE in her official capacity
as the Palm Beach County Election
Canvassing Board;

STEPHANIE TEW in her official
capacity as an alternate member of the
Palm Beach County Election Canvassing
Board;

APRIL BRISTOW in his official
capacity as a member of the Palm Beach
County Election Canvassing;

MI FAMILIA VOTA, a non-profit
business entity;

Defendants

Plaintiff, pursuant to Rule 3 of the Federal Rules of Civil Procedure, files the following Complaint against Defendants. Plaintiff seeks declaratory and injunctive relief to prevent election fraud in the upcoming November 2024 elections.

Contents

Introduction.....	1
Parties	2
Jeffrey Buongiorno	2
Alejandro Mayorkas	2
Matin O'Malley	2
Maria Matthews	3
James Cord Byrd.....	3
Ashley Moody	3
Shevaun Harris.....	3
Greg Weiss.....	3
Wendy Sartory Link	4
Maria Marino	4
Laura Burke	4
Stephanie Tew	5
April Bristow	5
Mi Familia Vota.....	5
Jurisdiction and Venue	6
Facts of the Case:.....	6
The Border Invasion	6
Illegal Aliens Crossing the Border Are Issued Federal ID Numbers	8
Executive Order 14019	8
Florida's Grand Jury Regarding NGO's Registering Non-Citizens.....	9
Study by ID Analytics, Inc.	10
The SAVE Act.....	11
Evidence of election fraud using last-four of SSN	11
14,000 HAVV transactions in Florida during COVID lockdown	13
Texas Secretary of State Responds to mounting Social Media pressure on SSA/HAVV	13
Evidence of Bribery and Illegal Ballot Harvesting:	14
The Florida Department of State Office of Election Crimes Report	15
A Federal Ruling That Promotes Election Interference by Illegal Aliens.....	15
Impossible to Verify Identities of Many Migrants	16
Video Evidence of an NGO Registering Illegal Aliens.....	16

Efforts to Stop Election Fraud17

 The New Palm Beach County Voting Tabulation Center17

 Florida Ballot Measure: Amendment 1- Nov. 3rd 202017

 Plaintiff’s Letters to Defendants Byrd and Moody18

Incidents Likely to Occur in the Future18

 NGO’s Doing the Groundwork.....18

 The Use of SSN or ARN to Imply Citizenship.....19

 Arizona’s Maricopa County Refusal to Comply with the Law21

Defendants Do Not Have Immunity22

Count 1: Registering Non-Citizens as Voters.....23

Count 2: Violation of Section 8(a)(4), 52 U.S.C. § 20507(a)(4)24

Count 3: Conspiracy to Violate “Voting By Non-Citizens”25

 18 U.S. Code § 371 - Conspiracy to Commit Defraud United States:26

 18 U.S. Code § 241 - Conspiracy Against Rights:26

 18 U.S. Code § 242 - Deprivation of Rights:26

 The Elements of Conspiracy in Florida Law27

Count 3: Conspiracy to Violate Fla. Stat. 97.04128

 The Elements of Conspiracy in Florida Law29

Count 4: Negligence30

Request for Relief31

Introduction

Federal law states that it is unlawful for a noncitizen to vote in federal elections and establishes the punishment of a fine, one year in prison, or both for violation of the law. It is a violation of Violation of (18 U.S. Code § 611 - Voting by aliens). Federal law forbids anyone from knowingly making any false statement they are a citizen of the United States in order to register or vote in any Federal, State, or local election (18 U.S. Code §1015-Naturalization, citizenship or alien registry). Florida State law also prohibits voting by noncitizens.

On November 3, 2020 Floridians supported a ballot measure known as the “Citizens Requirement for Voting,” initiative by a margin of 79.29 percent codifying that only citizens can vote. Florida Statute 97.041, Section (1) (a) details the requirements to register or vote:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered; and
5. Registers pursuant to the Florida Election Code.

Moreover, the Florida State Constitution (Article 6 Section 2) states, “Electors.— Only a citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.”

This Complaint is an action seeking declaratory and injunctive relief to address a conspiracy to influence the upcoming November, 2024 elections by registering non-citizens and synthetic identities as voters, thereby unlawfully obtaining Vote-By-Mail ballots (VBMs) and undermining the integrity of the election process.

Parties

Jeffrey Buongiorno

Plaintiff Jeffrey Buongiorno is a U.S. citizen and domiciled in Florida. He is the Republican candidate for Supervisor of Elections in Palm Beach County. His data analysis of the voter registration process received over 66 million views on X.com (formerly known as Twitter).^{1,2} He has appeared on various news outlets and is considered an expert on the subject of election security. A more recent video post of non-governmental organizations (NGO's) registering voters in South Florida went viral with several million views³, resulting in the Associated Press and other news reporting.⁴ Some credit him for the passing of the SAVE Act by the U.S. House of Representatives.

Alejandro Mayorkas

Defendant Alejandro Mayorkas, a United States citizen, is the Secretary of The Department of Homeland Security ("DHS"), which oversees border security and the processing of illegal aliens. He has been charged with "high crimes" (dereliction of duty by failing to enforce the border) and impeached by the U.S. House of Representatives.

Martin O'Malley

Defendant Martin O'Malley, a U.S. citizen, is the Commissioner of the Social Security Administration (SSA). Prior to this, he was the Governor of Maryland from 2007 to 2015 and the Mayor of Baltimore from 1999 to 2007. As the Commissioner of the SSA,

¹ 66 Million views <https://x.com/EndWokeness/status/1775229804356178419>

² 4 Million views <https://x.com/Bubblebathgirl/status/1775241038812029408> and many other examples

³ <https://rumble.com/v591rwl-mi-familia-vota-palm-beach-july-2024.html> (X.com recently made Plaintiff delete this video, likely at the orders from DHS)

⁴ Gateway Pundit <https://www.thegatewaypundit.com/2024/04/extremely-concerning-record-shows-voter-registration-without-photo/>

O'Malley is responsible for administering the Social Security retirement, disability, and survivors insurance programs, as well as the Supplemental Security Income program

Maria Matthews

Defendant Maria Matthews, a U.S. citizen domiciled in Florida, is the Director of the Florida Division of Elections, which is division of the Florida Department of State. She has been involved in various aspects of Florida's electoral processes and a key figure in discussions about voter registration, election security, and the implementation of state election laws.

James Cord Byrd

Defendant Cord Byrd, a U.S. citizen domiciled in Florida, is the Secretary of State for Florida. Prior to that, Byrd served as a member of the Florida House of Representatives for District 11 where he was involved in various committees including the Public Integrity and Elections Committee and the State Redistricting Committee. He has been an advocate for election integrity and has implemented the Office of Election Crimes and Security in his role as Secretary of State.

Ashley Moody

Defendant Ashley Moody, a U.S. citizen domiciled in Florida, is the Attorney General of Florida.

Shevaun Harris

Defendant Shevaun Harris, a U.S. citizen domiciled in Florida, is the Secretary for the Florida Department of Children and Families (DCF). DCF is responsible for processing social programs. The agency is soliciting Voter Registrations from Non-Citizens.

Gregg Weiss

Defendant Gregg Weiss, a U.S. citizen domiciled in Florida, is a Palm Beach County Commissioner for District 2. He also currently serves as the Vice Mayor of Palm Beach County. Before his tenure as commissioner, Weiss was involved in various local organizations and held roles as Vice Chair of the West Palm Beach Planning Board and President of the West Palm Beach Police Foundation. Weiss is a member of the Palm Beach County Election Canvassing Board and responsible for certifying elections.

Wendy Sartory Link

Defendant Wendy Sartory Link, a U.S. citizen domiciled in Florida, is the Supervisor of Elections for Palm Beach County overseeing the administration of elections and ensuring the integrity of the electoral process. She has been actively involved in various aspects of voter education and outreach, aiming to enhance voter participation and maintain transparent election practices.

Maria Marino

Defendant Maria Marino, a U.S. citizen domiciled in Florida, is a significant public figure in Palm Beach County currently serving as the Vice Mayor. She was elected to the Palm Beach County Commission in November 2020. Before her current role, she was a member of the Palm Beach Gardens City Council from 2016 to 2020 and served as the city's Mayor in 2017 and 2018. Marino is a member of the Palm Beach County Election Canvassing Board and responsible for certifying elections.

Laura Burke

Defendant Lauren Burke, a U.S. citizen domiciled in Florida, serves as a judge in the Domestic Violence Division "DV/TD" of the 15th Judicial Circuit Court in Palm Beach County, Florida. Burke is a member of the Palm Beach County Election Canvassing Board and is responsible for certifying elections.

Stephanie Tew

Defendant Stephanie Tew, a U.S. citizen domiciled in Florida, was appointed as a judge on the Palm Beach County Court by Governor Ron DeSantis in December 2022.

Tew is a member of the Palm Beach County Election Canvassing Board as an alternate.

April Bristow

Defendant April Bristow, a U.S. citizen domiciled in Florida, serves as the General Counsel for the Fifteenth Judicial Circuit in Palm Beach County. In this role, she provides legal advice to the Chief Judge, Trial Court Administrator, and judicial officers. Additionally, she oversees the trial court law clerks and manages various court programs, including certified process servers and court-appointed attorneys. Bristow is a member of the Palm Beach County Election Canvassing Board and is responsible for certifying elections.

Mi Familia Vota

Defendant Mi Familia Vota is a 501 (C4) non-profit entity, or “NGO”, that operates throughout the nation, including Palm Beach County, Florida, *inter alia*, to register Spanish-speaking people to vote. Mi Familia Vota has stated on video that it does not care whether or not a person being registered is an eligible U.S. citizen.

Jurisdiction and Venue

The United States District Court for the Southern District of Florida has subject matter jurisdiction over this action pursuant to 18 U.S. Code § 611, U.S.C. § 20507, and 18 US Code § 1015.

Venue is proper in this Court pursuant to Title 18 U.S.C. §§ 1391(b)(1) and (b)(2). A substantial part of the events or omissions giving rise to the claims in this action occurred in the Southern District of Florida.

Facts of the Case:

The Border Invasion

Since taking office Joe Biden has implemented over 60 Executive Orders promoting a Mass Border Invasion. Below is a sample summation of the actions taken by the Biden Administration, promoting an influx of Non-citizens. (URL)



SPEAKER OF THE HOUSE
MIKE JOHNSON

BIDEN ADMINISTRATION ACTIONS THAT HAVE UNDERMINED BORDER SECURITY AND ENCOURAGED ILLEGAL IMMIGRATION

	DATE	ACTION	SOURCE LINKS	NUMBERS
1	Jan 20, 2021	President Biden terminated the National Emergency at the Southwest border (Proclamation 9844), thereby halting emergency construction of a border wall.	See here and here .	CBP/OFO Total Encounters: 92,746 Children: 6,047 Fentanyl Seized: 945 pounds
2	Jan 20, 2021	President Biden issued an Executive Order (EO) further entrenching the unlawful Deferred Action for Childhood Arrivals (DACA) program. With his action, President Biden directed the Secretary of Homeland Security, in consultation with the Attorney General, "to preserve and fortify DACA", signaling to illegal aliens that his Administration supports amnesty and that illegal aliens need not fear coming to the U.S. or worry about immigration enforcement.	See here .	
3	Jan 20, 2021	President Biden unveiled the U.S. Citizenship Act, which would provide amnesty to millions of illegal aliens in the U.S., demonstrating intent to reward illegal border crossers with a path to citizenship.	See here .	

“There is an ongoing crisis at the southern border. In the first 7 months of this fiscal year alone, the Border Patrol “encountered” 1.3 million people trying to enter illegally, up nearly 440,000 over last year’s near record-setting pace over the same time period. Unsurprisingly, the total number of illegal immigrants living in the U.S. has risen dramatically as well”⁵

“Border Patrol agents in California have been told to release migrants from over 100 countries into the US, despite the Biden administration’s new border ‘crackdown’, according to a leaked memo obtained by The Post. Migrants from all but six countries in what border patrol calls the ‘eastern hemisphere’ – made up of Africa, Asia, Australia, and Europe – who cross illegally into the San Diego border sector will be released into the US according to the memo, first reported by the Washington Examiner.”⁶

The United States House of Representatives squarely blames defendant Mayorkas for this invasion. “Since taking over at DHS, Secretary Mayorkas has refused to be honest with the American people and with Congress about the causes and consequences his open-borders policies have created,” Chairman Green said. “Then-Chief Ortiz was willing to do what the secretary still refuses to—tell the truth. Because of these interviews and first-hand accounts from these current and former chief patrol agents, we have proof that Secretary Mayorkas lacks operational control of the Southwest border. It is time for Congress to hold him accountable via the impeachment process.”⁷ The House impeached Mayorkas for willfully ignoring the law in these matters.

⁵ <https://cis.org/Oped/America-has-lost-control-its-borders>

⁶ <https://nypost.com/2024/06/09/us-news/border-patrol-memo-instructs-agents-to-release-migrants-from-nearly-all-eastern-hemisphere-countries/>

⁷ <https://homeland.house.gov/2024/01/03/chief-patrol-agents-confirm-lack-of-operational-control-in-their-southwest-border-sectors/>

Illegal Aliens Crossing the Border Are Issued Federal ID Numbers

Central to this Complaint is the fact that nearly every illegal alien encountered at the border is now being granted parole while awaiting an immigration judge's hearing. In most cases, these hearings are scheduled for five to ten years into the future, which is a mockery of justice. In the meantime, these parolees are allowed to work in the U.S., and they are being issued Social Security Numbers ("SSN").

Under previous administrations, parole was rarely granted and only on a case-by-case basis for urgent humanitarian reasons. Under Defendant Mayorkas' watch, this extraordinary measure has become the rule rather than the exception.

The Help America Vote Act (HAVA), passed in 2002, includes a provision allowing states to verify the identity of a voter who lacks a government-issued ID for registration purposes. The HAVA database permits states to use the last four digits of a person's Security Number (SSN") to confirm it matches both their name and date of birth. However, this process does not confirm citizenship. Before President Biden's administration, few non-citizens were issued SSN. Now, with millions of illegal border crossers being granted SSNs (or Alien Registration Numbers ("ARN")), the system loopholes have become exploited.

Executive Order 14019

Executive Order 14019, signed by President Biden on March 7, 2021, focuses on promoting access to voting. Here is a summary of its key provisions:

1. Policy Statement:

- The order emphasizes that it is the policy of the federal government to expand access to voter registration and election information and to support voter participation and access.

2. Agency Responsibilities:

- Federal agencies are directed to consider ways to expand citizens' opportunities to register to vote and to participate in the electoral process.
- Agencies are instructed to submit plans outlining how they will promote voter registration and participation within 200 days of the order.

3. **Vote.gov:**

- The General Services Administration (GSA) is tasked with modernizing and improving the federal voting website, Vote.gov, to ensure it provides accurate and user-friendly information about voting.

4. **Voting Access for Federal Employees:**

- The order encourages federal agencies to facilitate voting by federal employees, including by allowing leave for voting or serving as poll workers.

5. **Outreach and Education:**

- The order directs agencies to engage in public education efforts about voting rights and to promote civic engagement and participation.

6. **Military and Overseas Voting:**

- It includes measures to enhance voting opportunities for active-duty military personnel, their families, and other overseas voters.

7. **Native American Voting Rights:**

- The order addresses barriers faced by Native Americans in voting and calls for consultation with tribal nations to improve voting access in Native American communities.

- The Office of Management and Budget (OMB) and the Domestic Policy Council (DPC) are responsible for evaluating the effectiveness of the efforts to expand voting access and for reporting on the progress.

Florida's Grand Jury Regarding NGO's Registering Non-Citizens

The "Sixth Presentment of the Twenty-First Statewide Grand Jury" report⁸ focuses on the ongoing issues related to the handling and placement of Unaccompanied Alien Children (UAC) by Non-Government Organizations (NGOs) in Florida, in connection with the Office of Refugee Resettlement (ORR).

Key Findings:

1. **Continued Illegal Activities and Costs:** Despite previous recommendations, illegal border crossings, crime, and dangers to citizens and children are escalating. High-profile crimes committed by illegal aliens have been highlighted, including murders and assaults .

2. **NGO Dependence on Federal Funding:** NGOs are heavily reliant on federal grants, particularly from ORR and HHS, constituting up

⁸ <https://cis.org/sites/default/files/2024-04/6th.pdf>

to 96% of their income. Many NGOs operate without required state licenses, prioritizing federal guidelines over state laws.

3. Lack of Accountability and Awareness: Executives of NGOs often displayed a lack of awareness or concern about serious problems in the current process. There is a consistent pattern of evasion and ignorance among executives when questioned about their operations and the fate of children after placement.

4. Questionable Practices: NGOs have facilitated the movement of aliens without proper identification, using letters to bypass security measures. There are instances where children, including very young ones, are placed in potentially unsafe situations with minimal oversight.

5. Concerns Over ORR Policies: ORR's policies are seen as contributing to the problem, with restrictive guidelines that limit NGOs' ability to ensure the safety and proper follow-up of placed children. Proposed rules from ORR could potentially worsen the situation by discouraging employees from reporting incidents directly to law enforcement.

6. Call for Further Investigation: The report suggests that only the surface of these issues has been scratched and recommends a broader mandate for further investigation. There is a need for a separate Statewide Grand Jury to delve deeper into these matters, considering the complexities and the refusal of ORR and its grantees to comply with subpoenas.

7. Conclusion: The report highlights significant and ongoing issues with the handling of UAC by NGOs under the guidance of DHS, calling for more stringent oversight and accountability measures. It stresses the importance of adhering to both federal and state regulations to ensure the safety and well-being of these vulnerable children.

Therefore, a Florida Statewide Grand Jury has presented factual evidence that supports the foundation and facts of this Complaint.

Study by ID Analytics, Inc.

According to a 2010 study by *ID Analytics, Inc.*, over 20 million Americans have multiple Social Security numbers (SSNs) linked to their names in commercial records. The

study also revealed that more than 40 million SSNs are associated with multiple individuals, challenging the notion of SSNs as unique identifiers.

"Our research shows that Social Security numbers, contrary to popular perception, do not uniquely identify an individual," said Dr. Stephen Coggeshall, chief technology officer, ID Analytics. "Most of these cases of duplication are likely due to simple data entry errors as opposed to deliberate falsification. Nevertheless, organizations expose themselves and their customers to risk if they solely rely on the SSN to verify an individual. Furthermore, 6.1 percent of the population had more than one social security number attributed to their identity."⁹

The SAVE Act

After Plaintiff Jeffrey Buongiorno exposed this process of converting illegal aliens into registered voters, President Trump and Elon Musk reposted the story on social media generating more than 66 million views of that story alone. Days later, Senator Mike Lee and Speaker of the House Mike Johnson created the SAVE Act bill (The Safeguard American Voter Eligibility (SAVE) Act) designed to codify existing laws that make it illegal for non-citizens to vote.¹⁰

Evidence of election fraud using last-four of SSN

The Social Security Administration states:

"The Help America Vote Act of 2002, P.L. 107-252 (HAVA) requires states to verify the information of newly registered voters for federal elections. Each state must establish a computerized state-wide voter registration list and verify new voter information with the Motor Vehicle Administration (MVA).

States are required to verify the driver's license number against the MVA's database. Only in situations where no driver's license exists may the state verify the last four digits of the new voter's Social

⁹ <https://www.securitymagazine.com/articles/81284-20-million-americans-have-multiple-social-security-numbers-associated-with-their-name-1>

¹⁰ The SAVE Act aims to amend the National Voter Registration Act of 1993 by requiring documentary proof of U.S. citizenship for voter registration in federal elections. The House is expected to vote on a similar version of the bill, H.R. 8281.

Security Number (SSN). The state submits the last four digits of the SSN, name, and date of birth to the MVA for verification with Social Security Administration (SSA). In addition, SSA is required to report whether its records indicate that the person is deceased.

The information submitted through the Help America Vote Verification (HAVV) system is kept confidential and must be used only for voter registration.”

What do these terms mean?

HAVV Data (HTML View)

Use the drop-down menu to explore weekly HAVV summary reports in HTML.

----- Choose a Week -----

Download the entire HAVV dataset: [XLSX](#)

Download this week's HAVV dataset: [CSV](#)

State/ Territory	Total Transactions	Unprocessed Transactions	Total Non Matches	Total Matches	Single Match Alive	Single Match Deceased	Multiple Matches Alive	Multiple Matches Deceased	Multiple Matches Mixed
Alabama	1,456,410	40	199,172	1,257,198	1,149,456	107,451	234	5	52
Alaska	53,746	0	17,394	36,362	32,409	3,947	2	0	4
Arizona	5,586,351	133	1,891,543	3,694,675	3,677,904	16,285	440	0	46
Arkansas	3,039,233	0	590,262	2,448,971	2,348,195	100,424	283	0	69
California	9,000,280	36	6,732,272	2,267,972	2,250,857	16,829	254	1	31
Colorado	620,364	0	233,883	386,481	385,331	1,092	59	0	9
Connecticut	222,424	3	54,895	167,526	167,480	25	19	0	2
Delaware	4,855	0	705	4,150	3,506	644	0	0	0
District of Columbia	1,502	0	150	1,352	1,350	2	0	0	0
Florida	1,254,104	0	402,354	851,750	851,327	315	96	0	12

This loophole of allowing a person to become registered to vote without having a photo ID has been exploited by Defendants. There were 1.3 million transactions in Florida on SSA.GOV between Jan 2011. Through July 2024. The number of transactions do not include the entire duration, the law allowing this went into effect in 2003.

In the Help America Vote Verification (HAVV) system, a “non-match” occurs when the information submitted for verification does not match any records in the Social Security Administration’s (SSA) database. This means that the combination of the applicant’s name, date of birth, and the last four digits of their Social Security Number (SSN) does not correspond to any individual in the SSA’s records. Approximately 30% of the transactions

suffer from defect. The number of “Total Non-Matches” transactions suggests the system is allowing large portions of the voter pool to be tainted.

14,000 HAVV transactions in Florida during COVID lockdown

From a study conducted by Plaintiff Buongiorno, during the peak of the COVID-19 pandemic, from March 21, 2020 to April 25, 2020, a total of 1,312,977 HAVV transactions were processed. Approximately 825,000 of these occurred in Texas, while around 14,000 took place in Florida. Although this study focuses on Florida and Texas, other states also had significant transaction volumes and should be accountable to the public. The 14,000 transactions in Florida align with the specific lockdown dates mandated by Governor DeSantis, which differ from the lockdown dates in Texas.

Since the inception of HAVV reporting on <http://ssa.gov>, over an 11-year span, approximately 86 million transactions have been processed over 676 weeks, averaging 127,218 transactions per week. However, during the pandemic's peak and leading up to the 2020 election, the nation saw nearly double this average, with 218,829 transactions per week. This significant increase could indicate potential electronic manipulation

Texas Secretary of State Responds to mounting Social Media pressure on SSA/HAVV

“Austin — There have been recent and inaccurate reports about the voter registration process and ID requirements in Texas. Please see the statement from Secretary of State Jane Nelson below.

"It is totally inaccurate that 1.2 million voters have registered to vote without a photo ID this year. The truth is our voter rolls have increased by 57,711 voters since the beginning of 2024. This is less than the number of people registered in the same timeframe in 2022 (about 65,000) and in 2020 (about 104,000).

When Texans register to vote, they must provide a driver's license number or a Social Security number. When an individual registers to vote with just a SSN, the state verifies that the SSN is authentic. While federal law allows individuals to register to vote without a photo ID, Texans must actually show proof of ID to vote. The 1.2 million figure comes from the Social Security Administration's

(SSA) website, which is supposed to report the number of times states have asked to verify an individual's social security number. The SSA number is clearly incorrect, and we are working now to determine why there is such a large discrepancy.”¹¹

That press release is dated April 3, 2024. As of July 31, 2024, Sec. State Nelson has remained silent on the issue and has not explained how, “The SSA number is clearly incorrect, and we are working now to determine why there is such a large discrepancy.”

Evidence of Bribery and Illegal Ballot Harvesting:

Reporter James O’Keefe posted:

“BRIBERY AND ILLEGAL BALLOT HARVESTING OPERATION to get elected and re-elected.

“She Ilhan Omar uses the money, and he is Libyan Mohamed, one of her many people.”

Who is the one filling out the mail in ballots?

“The ones who work for Ilhan Omar’s campaign and they send them to us too. “@Ilhan has a handful of people that work for her. They tell us, this year, you will vote for @IlhanMN.” And the FBI and the DOJ are so corrupt, that they put the Mexican drug cartels to shame.” @JamesO’KeefeIII¹²

Also, as a former US Congressional Candidate in the 2022 election, Plaintiff Buongiorno was approached by a Haitian couple who offered their “services” to his campaign. For \$85,000, they claimed they would guarantee him a primary win with the underlying mention that they would ballot harvest the Haitian Community. The pitch included the use of their Haitian media outlets and their ties to the local churches and other activists within the Haitian Community.

Investigative reporters uncovered an incident involving an illegal alien accused of murder who was discovered to have been registered to vote in Florida.

“Gorman L. Butler, an illegal alien reportedly from the Bahamas, was arrested multiple times in multiple counties over the course of eight years in Florida. Court records indicate he currently awaits

¹¹ <https://www.sos.texas.gov/about/newsreleases/2024/040324.shtml>

¹² <https://x.com/i/status/1816273426430189799>

trial in Broward County for his most recent offenses—murder and trafficking fentanyl. Butler is also a registered Democrat voter in Florid”¹³

This incident also exposes loopholes in voter registration system and compliance with federal and state laws regarding voter eligibility.

The Florida Department of State Office of Election Crimes Report

The Florida Department of State Office of Election Crimes and Security Report¹⁴ from January 2023 details in official manner numerous elections crimes related to these schemes of illegal aliens being registered to vote.

For example:

“Alfred Samuels, an illegal alien living in Ft Lauderdale, unlawfully voted by mail under the alias Alford Nelson in two Broward County special elections, once on January 11, 2022, and again on March 8, 2022. He became a registered Broward County voter in March 2021 using a counterfeit birth certificate from New York City.”

...and...

“In October 2022, FDLE announced the arrest in Broward County of an individual referred to law enforcement by the OECS. The defendant is alleged to be an illegal alien and a ten-time convicted felon who voted under an alias in the Broward County, U.S. Congressional District 20 Special Election (Primary and General). The individual is alleged to have registered to vote using a counterfeit birth certificate from New York City.”

A Federal Ruling That Promotes Election Interference by Illegal Aliens

A federal judge ruled against a Florida law that sought to prohibit noncitizens from participating in voter registration activities. The decision, made by Chief U.S. District Judge Mark E. Walker of the Northern District of Florida, strikes down a provision in Florida's SB 7050, which imposed a \$50,000 fine on noncitizens found collecting or handling voter

¹³ <https://yournews.com/2024/07/25/2823172/crime-alert-illegal-alien-murderer-registered-to-vote-in-florida>

¹⁴ <https://files.floridados.gov/media/706232/dos-oecs-report-2022.pdf>

registration applications. The law was deemed to violate constitutional equal protection rights, as it discriminated based on citizenship status without a compelling state interest.

This ruling is significant for the approximately 1.3 million lawful permanent residents in Florida who often engage in civic activities as part of their journey towards U.S. citizenship. The decision stems from a lawsuit filed by the Hispanic Federation and Poder Latinx, along with three noncitizen plaintiffs, and was supported by the ACLU and other legal organizations.

The law had already been temporarily blocked by an emergency injunction issued last year, allowing voter registration groups to continue their activities without the restriction.¹⁵ The permanent injunction now prevents the Florida Secretary of State from enforcing the provision, ensuring that noncitizens can continue to assist with voter registration efforts.

Impossible to Verify Identities of Many Migrants

News reporting¹⁶ and members of Congress¹⁷ visiting the border have detailed how migrants leave all traces of their citizenship on the Mexico side of the border.¹⁸ Therefore, no U.S. authority issuing a SSN or ARN to a migrant can possibly verify citizenship status.

Video Evidence of an NGO Registering Illegal Aliens

Plaintiff Buongiorno filmed on July 8th, 2024 the NGO called “Mi Familia Vota” (a defendant here) at the Palm Beach County DMV registering Spanish-speaking people to vote without asking for proof of citizenship.¹⁹ That DMV location is a main administration

¹⁵ *Hispanic Federation v. Cord Byrd* 4:23-cv-00218-AW-MAF

¹⁶ <https://www.cbsnews.com/news/immigration-migrants-documents-confiscated-border-officials/>

¹⁷ <https://www.azcentral.com/story/news/politics/border-issues/2022/08/17/migrants-u-s-mexico-border-near-yuma-forced-discard-belongings/10159126002/>

¹⁸ <https://amp.theguardian.com/us-news/2022/may/08/us-mexico-border-agents-belongings>

¹⁹ <https://x.com/EndWokeness/status/1810651470389301655>

building where property owners pay taxes, etc. This was occurring in broad daylight under the noses of Palm Beach County officials. It was clearly condoned by Defendants.

Efforts to Stop Election Fraud

The people have been stonewalled at every level while redressing our grievances. Local municipality officials claim they bear no responsibility for any election-related activity and refer the people to the County Commissioner. The County Commissioners silence the people when they attempt to redress the issue of Non-Citizen voting. Palm Beach County Sheriff have recently removed members of the public speaking during their allotted time if they mentioned illegal aliens being registered as voters, clearly violating the First Amendment in Orwellian fashion.

The New Palm Beach County Voting Tabulation Center

Citizens of Palm Beach County petitioned the government for over three-years asking commissioners to decentralize the vote tabulation process and return the counting to the local precincts. Instead, in defiance and hubris, the commissioners approved a new Palm Beach County voting tabulation center (complete with multiple warehouse bay doors and bulletproof glass, annexed to a Palm Beach County Sheriff station). This new facility defies the will of the people.

Florida Ballot Measure: Amendment 1- Nov. 3rd 2020

In 2020, a ballot initiative stated:

“A "yes" vote supports amending the Florida Constitution to state that “only a citizen” of the U.S. who is 18 years old or older can vote in Florida.

A "no" vote opposes amending the Florida Constitution, thus keeping the existing language that says “every citizen” of the U.S. who is 18 years old or older can vote in Florida”²⁰

²⁰ [https://ballotpedia.org/Florida_Amendment_1,_Citizen_Requirement_for_Voting_Initiative_\(2020\)](https://ballotpedia.org/Florida_Amendment_1,_Citizen_Requirement_for_Voting_Initiative_(2020))

It was approved by 80% of voters. The American citizens of the State of Florida spoke loudly on the issue. Non-citizens should not be allowed to vote.

Plaintiff's Letters to Defendants Byrd and Moody

Plaintiff has issued written notices to Defendants Moody (the Attorney General) and Byrd (The Secretary of State) alerting them to the illegal processes detailed above (i.e., registering illegal aliens and non-citizens to vote, etc.). He has been ignored and/or stonewalled.

Although Defendants Moody and Byrd are Republicans, Plaintiff believes that both major political parties benefit from policies that allow them to place their thumbs on the scale of democracy. As a candidate not benefitting from these conspiracies, he has faced unfair disadvantages in his campaigns.²¹

Incidents Likely to Occur in the Future

Federal laws will likely be violated in the upcoming November 2024 elections. That will violate the constitutionally protected Plaintiff's rights and defy Florida law. They will do this in various ways.

NGO's Doing the Groundwork

There are currently over 1,427 NGO's acting as voter registration organizations registered in the state of Florida.²² Many are funded by dark money through PACs and the registered agents. In some cases, these NGO's might be foreign non-profit entities with connection to the local political committees. An extended voting period allows an unfair

²¹ Related, a lawsuit was filed in Arizona against the Secretary of State after 1.3 million non-citizens were found to be registered. <https://www.thegatewaypundit.com/wp-content/uploads/2024/06/az-nvra-complaint-filed-5-31-24.pdf>

²² <https://jaxtoday.org/2024/04/30/voter-registration-groups-scale-back-after-new-restrictions/>

advantage to well-funded NGO's with pre-organized ground games, who morph from Voter Registration Organizations to well-organized ballot harvesting organizations.

The Use of SSN or ARN to Imply Citizenship

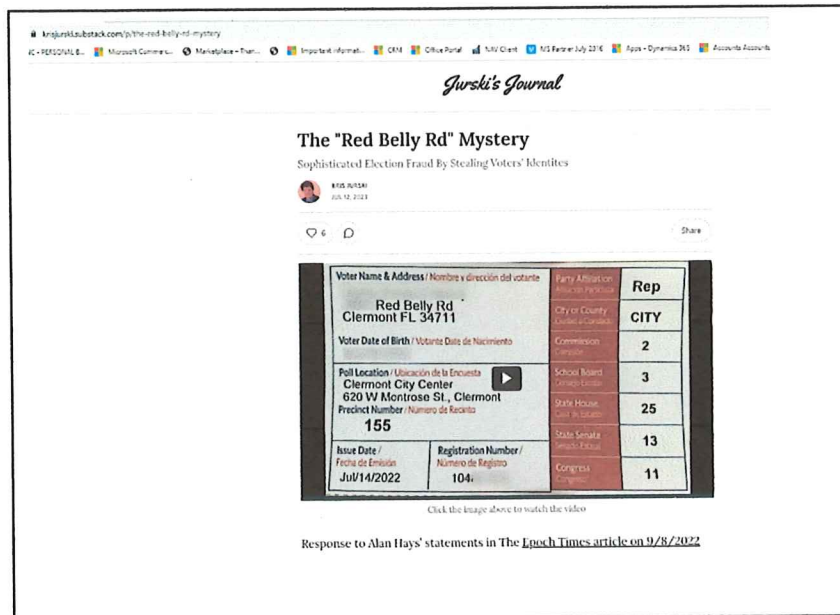
As detailed above, with the loss of control at the border has also come the procedure of issuing Alien Registration Numbers ("ARN"), which resemble SSN's, to illegal aliens. Identity theft of real SSN is also common. Therefore, any voter registration process that accepts only a "Last-Four" of a SSN or ARN without a Photo ID is egregiously prone to fraud.

Indeed, the volume of transactions recorded on the social security administration portal are highly suspicious (HAVV). The entire premise of the reporting and need for this type of system is to ensure that a person being registered to vote is not deceased. Between 2011 and July 2024, there have been 1,254,104 transactions totaling in 315 records of deceased voters. By design, the HAVV opens the doors for synthetic, unverifiable identities to be injected into our Social Security System and our voting rolls. It is likely that this process, when leveraged with well-organized NGO's who act as the Synthetic Voter Registration centers, will influence the November, 2024 General Election.

There is a high probability that the Synthetic Identities, verified by DHS/SSA will receive a vote by mail. There is the potential under Florida Statute, for one identity to request up to three "Vote by Mail" (VBM) ballots through county and state web portals. This allows the market to be flooded freely, tripling the output of Vote By Mail Ballots.

While ballot harvesting is illegal in Florida and many states, there is no clear definition of the law. The Florida statute allows for the collection of ballots from family members with no maximum ballot count.

For example, the “Red Belly Road Glitch”²³ demonstrates how thousands of ballots can be sent to a fictitious address. The voter registrations that mapped to the fictitious address disappeared from the voter database, yet the votes were counted.



With the border invasion orchestrated by Defendant Mayorkas and his DHS, the DHS-assigned SSN's or ARN's, and NGO's registering the illegal aliens to become voters, there is a likelihood that local election officials will perjure themselves by certifying the election given that the officials do not have direct evidence that each vote counted was cast by a U.S. citizen or even a resident of the proper county. The end result of this corruption will be election fraud on a scale never seen before in the nation.

Yet local county officials defer accountability to the state. State officials defer to the Federal DHS officials. However, Defendant Mayorkas is the Secretary of DHS and has been impeached by the U.S. House for dereliction.

²³ <https://krisjurski.substack.com/p/the-red-belly-rd-mystery>

The U.S. Department of Justice announced²⁴ that it sent federal agents to provide backup to the bad actors at polling station under the pretext of protecting civil rights. It was conducted by personnel from the Civil Rights Division and U.S. Attorneys' Offices. The DOJ plans to repeat those efforts this year. It will be more heavily staffed.

Arizona's Maricopa County Refusal to Comply with the Law

The legal action group called *America First Legal* sent demand letters²⁵ to the Maricopa County Recorder to purge their voter registration database of illegal aliens. The demands were ignored.

"This week, the Maricopa County Attorney's office, on behalf of their client, the Maricopa County Recorder, rebuffed all of the concerns about cleaning foreign citizens from voter rolls that America First Legal (AFL) raised in a letter sent on behalf of its clients Strong Communities Foundation of Arizona and Arizona Free Enterprise Club.

This should be especially alarming since the number of voters who haven't provided proof of citizenship and cannot be confirmed as citizens has increased by over 32% since last October in Maricopa County. Arizona law requires that voter registrants must provide documentary proof of citizenship. However, these federal-only voters are allowed to register to vote in federal races because a Supreme Court decision from 2013 held that federal law does not allow states to ask for documentary proof of citizenship in federal races such as for Congress and the U.S. Senate. And that may even extend for state races (the issue being litigated right now). For federal races, voters only need to attest to being a citizen by checking a box on the federal voter registration form and signing the form. Only a little over 10,000 votes determined the outcome of the 2020 Presidential Election in Arizona, yet over 26,000 federal-only voters are currently registered to vote in Maricopa County."²⁶

²⁴ <https://www.justice.gov/opa/pr/justice-department-monitor-polls-24-states-compliance-federal-voting-rights-laws>

²⁵ <https://media.aflegal.org/wp-content/uploads/2024/07/17140746/AFL-Letter-to-AZ-County-Recorders-re-1373-and-1644-2.pdf>

²⁶ <https://azfreenews.com/2024/07/maricopa-county-recorder-rebuffs-legal-request-to-clean-foreign-citizens-off-voter-rolls/>

Palm Beach County and other urban counties are controlled by the same political machinery as Maricopa. Past behavior in recent elections indicate that Florida will violate the laws in the same way.

Defendants Are Not Immune

No defendant in this instant case enjoys legal immunity of any sort. Immunity is not a defense in complaints seeking injunctive relief, and immunity fails when defendants willfully or negligently violate the law.

The Eleventh Amendment to the U.S. Constitution is the basis for various immunity doctrines used by government defendants. However, The Supreme Court's decision in *Ex Parte Young*, 209 U.S. 123 (1908) has been interpreted for more than 100-years to mean that sovereign immunity does not prevent people harmed by state agencies acting in violation of federal law from suing the officials in charge of the agencies in their individual capacity for injunctive relief. In this instant case, that is what Plaintiff is alleging and doing.²⁷

In addition, if a defendant willfully or negligently violates law, then they are stripped of immunity. Defendant Mayorkas has already been impeached by the U.S. House of Representatives for "WILLFUL AND SYSTEMIC REFUSAL TO COMPLY WITH THE LAW" regarding the invasion at the Southern Border.²⁸

The other defendants are clearly negligent. They all have official jobs related to election integrity, yet hundreds of thousands (possibly millions) of non-citizens have been registered to vote in the upcoming elections.

²⁷ The State of Florida also recently modified the law that grants immunity as a defense. Florida Statute 768.28 "Waiver of sovereign immunity in tort actions" is now more lenient to plaintiffs claiming monetary damages. However, it is moot given the *Ex Parte Young* doctrine above.

²⁸<https://www.congress.gov/bills/118/congress/house-resolution/863/text/~:text=Mayorkas%20willfully%20and%20systemically%20refused,people%20of%20the%20United%20States>

Count 1: Registering Non-Citizens as Voters
(18 U.S. Code §1015-Naturalization, citizenship or alien registry)

Plaintiff restate all paragraphs above in this Complaint and incorporates them herein by reference.

“18 U.S. Code § 1015 - Naturalization, citizenship or alien registry
(a)Whoever knowingly makes any false statement under oath, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization, citizenship, or registry of aliens; or
(f)Whoever knowingly makes any false statement or claim that he is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election (including an initiative, recall, or referendum)—Shall be fined under this title or imprisoned not more than five years, or both.”

Defendants Mayorkas and O'Malley are violating this law by knowingly issuing SSN's or ARN's to illegal aliens caught crossing the border. Those same Defendants then fund and orchestrate the NGO's that are laundering those SSN's, without any proof of citizenship, into legitimate voter registrations and driver's licenses.

The other Defendants are conspiring to violate this law. They are dutiful soldiers of this illegal regime.

Defendants have failed to make reasonable efforts to conduct voter list maintenance as required in 18 U.S. Code §1015 by failing to remove the names of non-citizen voters or synthetic voters.

Plaintiff has suffered irreparable injuries as a direct result of the those Defendants' failures to maintain accurate voter rolls that properly reflect the names of eligible voters. Plaintiffs' legitimate votes risk dilution any time an ineligible voter casts a ballot and inaccurate voter registration rolls undermine Plaintiffs' confidence in Florida's electoral system. Plaintiff is also a candidate in Palm Beach County in this election cycle and risks losing that election unfairly.

Plaintiff also harmed as he is required to divert resources to address issues caused by the Defendant O'Malley's failure to maintain Florida voter rolls in compliance with federal law.

Plaintiff will continue to be injured by the Defendants' violation of 18 U.S. Code §1015 until they are enjoined from violating the law and are required to identify and remove the names of ineligible voters from the rolls.

Plaintiff has no adequate remedy at law beyond the judicial relief sought here pursuant to the 18 U.S. Code §1015.

Count 2: Violation of Section 8(a)(4), 52 U.S.C. § 20507(a)(4)

Section 8(a)(4) of the NVRA requires that "each State shall . . . conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of (A) the death of the registrant; or (B) a change in the residence of the registrant[.]" 52 U.S.C. § 20507(a)(4).

Defendant Byrd, in his capacity as Florida's Secretary of State, along with Defendant Mathews (Director of Florida Elections) and Defendant Link (Palm Beach County Supervisor of Elections), have failed to make reasonable efforts to conduct voter list maintenance as required by Section 8(a)(4) of the NVRA by failing to remove the names of non-citizen voters or synthetic voters.

Plaintiff has suffered irreparable injuries as a direct result of the those Defendants' failures to maintain accurate voter rolls that properly reflect the names of eligible voters. Plaintiffs' legitimate votes risk dilution any time an ineligible voter casts a ballot and inaccurate voter registration rolls undermine Plaintiffs' confidence in Florida's electoral system. Plaintiff is also a candidate in Palm Beach County in this election cycle and risks losing that election unfairly.

Plaintiff is also harmed as he is required to divert resources to address issues caused by the Defendant O'Malley's failure to maintain Florida voter rolls in compliance with federal law.

Plaintiff will continue to be injured by the Defendants' violation of Section 8(a)(4) of the NVRA until they are enjoined from violating the law and are required to identify and remove the names of ineligible voters from the rolls.

Plaintiff has no adequate remedy at law beyond the judicial relief sought here pursuant to the NVRA.

Count 3: Conspiracy to Violate "Voting By Non-Citizens"
(Common Law- Conspiracy)

Plaintiffs restate all paragraphs above in this Complaint, and incorporates them herein by reference.

U.S. Code § 611 - Voting by aliens

- (a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—
- (b) Any person who violates this section shall be fined under this title, imprisoned not more than one year, or both.

Defendants Mayorkas, O'Malley, and Mia Familia Vota have been part of recent proven examples of illegal aliens registering to vote in Florida, as detailed above. They have conspired with the illegal aliens violating this law.

There is also evidence that the Florida Defendants (Matthews, Harris, Marino, Weiss, Link, Burke, Tew, and Bristow) take orders from those above mentioned defendants, thereby conspiring to commit the same crimes (i.e., U.S. Code § 611).

Defendants Byrd and Moody are conspiring to violate U.S. Code § 611 by refusing to enforce the law. They have been contacted many times by Plaintiff and have taken no action.

Conspiracy is common law and Florida statute. Various federal laws against conspiracy apply here as well.

18 U.S. Code § 371 - Conspiracy to Commit Defraud United States:

This statute makes it a crime for two or more persons to conspire to commit any offense against the United States or to defraud the United States or any agency thereof. Defendants are conspiring to defraud the federal government by installing candidates into the government using election fraud.

18 U.S. Code § 241 - Conspiracy Against Rights:

This law prohibits conspiracies to injure, oppress, threaten, or intimidate any person in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States. Defendants in this case are conspiring to violate this law by oppressing Plaintiff's right to run for elected office and vote in a fair election.

18 U.S. Code § 242 - Deprivation of Rights:

This law makes it a crime for someone acting under color of law, as Defendants are here, to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. Defendants are depriving Plaintiffs of their right to run for office in a fair election and to vote in a fair election.

The Elements of Conspiracy in Florida Law

In Florida, a civil conspiracy involves several key elements (*Walters v. Blankenship*, 931 So. 2d 137 (Fla. Dist. Ct. App. 2006)):

1. A conspiracy between two or more parties.
2. The intention to carry out an unlawful act or to achieve a lawful act through unlawful means.
3. The commission of overt acts in furtherance of the conspiracy.
4. Damage to the plaintiff resulting from the conspiracy

As detailed above, two or more defendants have conspired to illegally register non-citizens to vote. They did so in overt acts that have damaged Plaintiff by hurting his chances as a candidate. Also, as a citizen, his civil rights are violated when corrupt people win elections.

Each co-conspirator need not commit acts in furtherance of the conspiracy; it is enough if they are aware of the scheme and assist in some manner (*Charles v. Fl. Foreclosure*, 988 So. 2d 1157 (Fla. Dist. Ct. App. 2008)). All Defendants are well aware of the election fraud detailed above.

Plaintiff has suffered irreparable injuries as a direct result of the Defendants' conspiracy. Plaintiffs' legitimate votes risk dilution any time an ineligible voter casts a ballot and inaccurate voter registration rolls undermine Plaintiffs' confidence in Florida's electoral system. Plaintiff is also a candidate in Palm Beach County in this election cycle and risks losing that election unfairly.

Plaintiff is also harmed as he is required to divert resources to address issues caused by the Defendants' conspiracy. Plaintiff will continue to be injured by the Defendants' conspiracy until they are enjoined from violating the law and are required to identify and remove the names of ineligible voters from the rolls.

Plaintiff has no adequate remedy at law beyond the judicial relief sought here.

Count 3: Conspiracy to Violate Fla. Stat. 97.041

(Florida Statute 97.041, Section (1) (a) - Qualifications to register or vote)

Plaintiffs restate all paragraphs above in this Complaint, and incorporates them herein by reference.

“Title IX ELECTORS AND ELECTIONS
Chapter 97 QUALIFICATION AND REGISTRATION OF
ELECTORS

97.041 Qualifications to register or vote.—

(1)(a) A person may become a registered voter only if that person:

2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered; and
5. Registers pursuant to the Florida Election Code.”

Defendants conspired with illegal aliens to register and vote. Conspiracy is common law and Florida statute. Defendants are conspiring to violate Florida Statute 97.041, Section (1) (a) organizing elaborate scheme to register illegal aliens into the voting system.

Defendants are also conspiring to violate 18 U.S. Code § 371 and 18 U.S. Code § 241, as well as 18 U.S. Code § 242 in the same manner as detailed in Count 2 above.

Defendants Mayorkas, O’Malley, and Mia Familia Vota have been part of recent proven examples of illegal aliens registering to vote in Florida. They have conspired with the illegal aliens violating this law.

There is also evidence that the Florida Defendants (Matthews, Harris, Marino, Weiss, Link, Burke, Tew, and Bristow) take orders from those above mentioned defendants, thereby conspiring to commit the same crimes (i.e., U.S. Code § 611).

Defendants Byrd and Moody are conspiring to violate U.S. Code § 611 by refusing to enforce the law. They have been contacted many times by Plaintiff and have taken no action.

Conspiracy is common law. Various federal laws against conspiracy apply here as well that this Court can use *sua sponte*.

The Elements of Conspiracy in Florida Law

In Florida, a civil conspiracy involves several key elements (*Walters v. Blankenship*, 931 So. 2d 137 (Fla. Dist. Ct. App. 2006)):

1. A conspiracy between two or more parties.
2. The intention to carry out an unlawful act or to achieve a lawful act through unlawful means.
3. The commission of overt acts in furtherance of the conspiracy.
4. Damage to the plaintiff resulting from the conspiracy

As detailed above, two or more defendants have conspired to illegally register non-citizens to vote. They did so in overt acts that have damaged Plaintiff by hurting his chances as a candidate. Also, as a citizen, his civil rights are violated when corrupt people win elections.

Each co-conspirator need not commit acts in furtherance of the conspiracy; it is enough if they are aware of the scheme and assist in some manner (*Charles v. Fl. Foreclosure*, 988 So. 2d 1157 (Fla. Dist. Ct. App. 2008)). All Defendants are well aware of the election fraud detailed above.

Plaintiff has suffered irreparable injuries as a direct result of the Defendants' conspiracy. Plaintiffs' legitimate votes risk dilution any time an ineligible voter casts a ballot and inaccurate voter registration rolls undermine Plaintiffs' confidence in Florida's electoral system. Plaintiff is also a candidate in Palm Beach County in this election cycle and risks losing that election unfairly.

Plaintiff is also harmed as he is required to divert resources to address issues caused by the Defendants' conspiracy. Plaintiff will continue to be injured by the Defendants'

conspiracy until they are enjoined from violating the law and are required to identify and remove the names of ineligible voters from the rolls.

Plaintiff has no adequate remedy at law beyond the judicial relief sought here.

Count 4: Negligence
(Common Law)

Per Florida case law, a claim for negligence requires (1) a legal duty owed by the defendant to the plaintiff, (2) breach of that duty by the defendant, (3) injury to the plaintiff which was legally caused by defendant's breach, and (4) damages as a result of that injury. Whether or not a duty exists is the key question.

In *Limonas v. School Dist. of Lee County*, 161 So. 3d 384 – Fla: Supreme Court 2015, “Florida law recognizes the following four sources of duty: (1) statutes or regulations; (2) common law interpretations of those statutes or regulations; (3) other sources in the common law; and (4) the general facts of the case. *Id.* at 503 n. 2. As in this case, when the source of the duty falls within the first three sources, the factual inquiry necessary to establish a duty is limited. The court must simply determine whether a statute, regulation, or the common law imposes a duty of care upon the defendant. The judicial determination of the existence of a duty is a minimal threshold that merely opens the courthouse doors. *Id.* at 502. Once a court has concluded that a duty exists, Florida law neither requires nor allows the court to further expand its consideration into how a reasonably prudent person would or should act under the circumstances as a matter of law.”

In this instant case, Plaintiff has detailed the federal statutes and common law that impose a duty by Defendants to Plaintiff. 18 U.S. Code §1015 requires Defendants to prevent non-citizens from registering to vote, but they have not prevented non-citizens from registering. Common law prohibits civil conspiracy by Defendants and yet they have

conspired. In Counts 1 through 3, it is detailed how Defendants were negligent in their duties by violating these laws.

Plaintiff has suffered irreparable injuries as a direct result of the Defendants' negligence. Plaintiffs' legitimate votes risk dilution any time an ineligible voter casts a ballot and inaccurate voter registration rolls undermine Plaintiffs' confidence in Florida's electoral system. Plaintiff is also a candidate in Palm Beach County in this election cycle and risks losing that election unfairly.

Plaintiff is also harmed as he is required to divert resources to address issues caused by the Defendants' negligence. Plaintiff will continue to be injured by the Defendants' negligence until they are enjoined from violating the law and are required to identify and remove the names of ineligible voters from the rolls.

Plaintiff has no adequate remedy at law beyond the judicial relief sought here.


Request for Relief

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants providing the following relief:

- 1) A declaratory judgment that Defendants are in violation of the laws in Counts 1 - 4;
- 2) An injunction requiring Defendants to fully comply with any existing procedures that Florida has in place to ensure ineligible voters are identified and removed from the rolls;
- 3) An injunction requiring Defendants to use the same process used in jury selection to be used to verify citizenship of any person registering to vote;
- 4) An injunction requiring Defendants to use Federal statute that allows the Florida Supervisor of Elections ("SOE") (i.e., Defendant Sartory in this case) to request the DHS to verify citizenship and identifies. Any Florida SOE must use the tools available in 8 U.S.C. § 1373 and 8 U.S.C. § 1644 to verify citizenship;

- 5) An injunction requiring Defendants to purge any non-citizen actual person or synthetic identity found within the Florida voter registrations databases and systems, and to do this before August 15th, 2024 given that the deadline to request early voting mail-in ballots is August 8th, 2024;
- 6) An injunction prohibiting the use of only the "last four" of a SSN or ARN to register to vote. A photo ID issued by the State of Florida or U.S. passport must accompany any registration process;
- 7) An injunction prohibiting the use of professional voter registration efforts by NGO's, etc. currently approved by Florida. This Court shall then define the type of allowable registration efforts that fall within Florida law.
- 8) An injunction prohibiting the Department of Justice from "monitoring" Florida elections inside voting stations;
- 9) An injunction levying a \$10,000 fine for each violation, payable by each individual defendant committing the violations of this injunction, to be paid by the individual and not the County, State, or Federal agency for which they work;
- 10) Plaintiffs' reasonable costs and expenses of this action, including attorneys' fees; and;
- 11) All other further relief to which Plaintiff may be entitled.

Respectfully submitted this 30th day of July, 2024.

 7/30/2024
Signed by: Jeff Buongiorno
1901 South Congress Ave, #220
Boynton Beach, FL 33426
Jeff@etektraining.com